



Attorney Docket No.: 07333-022002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mantripragada B. Sankaram et al. Art Unit : 1648
Serial No. : 09/045,236 Examiner : Padmashri Ponnaluri
Filed : March 20, 1998
Title : MULTIVESICULAR LIPOSOMES WITH CONTROLLED RELEASE OF
ENCAPSULATED BIOLOGICALLY ACTIVE SUBSTANCES

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE

This is in response to the action mailed October 25, 1999, in the above-referenced patent application.

REMARKS

Applicant would like to thank the Examiner for the helpful interview conducted on March 20, 1999. The Examiner has closed prosecution on the merits stating that the application is in condition for allowance except for formal matters in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213. Applicant respectfully disagrees with this action for the following reasons.

The requirement of terminal disclaimers is a substantive, not a formal requirement. Although there was agreement reached during the interview with respect to some of the claims, the agreement was based upon discussion of the art rejections that were outstanding at that time and not upon the requirement for terminal disclaimers. The Examiner did not make a formal double patenting rejection in which the specific claims of each patent or application were cited, nor did the Examiner point out the various aspects of the present claims that would serve as a basis for such a requirement in view of those patents and applications.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

December 16, 1999

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